

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

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NOVARTIS PHARMACEUTICALS  
CORPORATION, NOVARTIS AG,  
NOVARTIS PHARMA AG and LTS  
LOHMANN THERAPIE-SYSTEME AG,

Plaintiffs,

v.

MYLAN PHARMACEUTICALS INC. and  
MYLAN TECHNOLOGIES, INC.

Defendants.

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C.A. No. 1:14-cv-106-IMK

**JOINT STIPULATION AND ORDER OF DISMISSAL**

**IT IS HEREBY STIPULATED AND AGREED** by and between the undersigned counsel for Plaintiffs Novartis Pharmaceuticals Corporation, Novartis AG, Novartis Pharma AG and LTS Lohmann Therapie-Systeme AG (collectively, “Plaintiffs”) and Defendants Mylan Pharmaceuticals Inc. and Mylan Technologies, Inc. (collectively, “Mylan”) that:

1. Plaintiffs’ claim in the First Amended Complaint for Patent Infringement (D.I. 60), filed March 16, 2015, concerning Mylan’s 4.6 mg/24 hr, 9.5 mg/24 hr and 13.3 mg/24 hr dosage strength rivastigmine transdermal systems, as described in Mylan’s ANDA No. 20-5622 **be dismissed with prejudice**;
2. Notwithstanding the above paragraph 1, Plaintiffs shall retain the right to pursue any and all relief against Mylan (including Mylan’s subsidiaries, officers, directors, employees, customers, distributors, suppliers, representatives and agents, and their successors and assigns) for infringement of U.S. Patent No. 6,335,031 (“the ’031 patent”) and/or U.S. Patent No. 6,316,023 (“the ’023 patent”) in the event that there is a material amendment or supplement to its ANDA No. 20-5622, or a material change to its ANDA products or their component(s) so as to result in infringement of the ’031 patent and/or the ’023 patent;

3. Mylan's counterclaims in the Answer, Defenses, & Counterclaims to First Amended Complaint (D.I. 69), dated April 2, 2015, **be dismissed without prejudice**; and
4. The parties shall bear their own costs and attorneys' fees.

Dated: September 16, 2015

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*Attorney for Defendants Mylan  
Pharmaceuticals Inc. and Mylan Technologies,  
Inc.*

IT IS SO ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 2015

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The Honorable Irene M. Keeley  
United States District Judge